

1 THE HONORABLE JOHN C. COUGHENOUR
2
3
4
5
6

7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 GREEN WORLD COUNCIL BLUFFS, LLC, a Washington limited liability company, and
11 MICHAEL KIM, an individual,

Plaintiffs,

v.

12 1SHARPE OPPORTUNITY INTERMEDIATE
13 FUND, LP., a Cayman Island limited
14 partnership, *et al.*,

Defendants.

CASE NO. C20-1579-JCC
MINUTE ORDER

17 The following Minute Order is made by direction of the Court, the Honorable John C.
18 Coughenour, United States District Judge:

19 This matter comes before the Court on Plaintiff Michael Kim's motion for an extension
20 of time (Dkt. No. 24) to respond to the motion to dismiss filed by Defendants 1Sharpe
21 Opportunity Intermediate Fund, L.P., 1Sharpe Opportunity Intermediate Trust, and Alex Johnson
22 (Dkt. No. 11). Having thoroughly considered the parties' briefing and the relevant record, the
23 Court hereby DENIES Plaintiff's motion for an extension of time (Dkt. No. 24) for the reasons
24 explained below.

25 Plaintiff asks the Court to extend his deadline to respond to Defendants' motion to
26 dismiss until after the close of discovery. (Dkt. No. 24 at 1.) Defendants move to dismiss for lack

1 of personal jurisdictional jurisdiction, among other reasons. (Dkt. No. 11 at 3.) Under these
2 circumstances, a district court should grant a plaintiff's request to conduct jurisdictional
3 discovery "where pertinent facts bearing on the question of jurisdiction are controverted or
4 where a more satisfactory showing of the facts is necessary." *See Laub v. U.S. Dep't of the*
5 *Interior*, 342 F.3d 1080, 1093 (9th Cir. 2003). "The burden is on the party seeking to conduct
6 additional discovery to put forth sufficient facts to show that the evidence sought exists." *Gager*
7 *v. United States*, 149 F.3d 918, 922 (9th Cir. 1998) (quoting *Conkle v. Jeong*, 73 F.3d 909, 914
8 (9th Cir. 1995)).

9 Plaintiff has not met this burden as he has not identified any relevant controverted facts
10 that bear on jurisdiction or otherwise explained how discovery is necessary for him to respond to
11 the issues raised by Defendants' motion to dismiss for lack of personal jurisdiction. He claims
12 only that "[d]iscovery is required to establish that State of Washington is the proper jurisdiction
13 for this case, and that is based on what Defendants knew at the time they filed the petition for
14 foreclosure in the State of Iowa while still in the fraud litigation in Florida." (Dkt. No. 24 at 4.)
15 But Plaintiff has not explained what Defendants may have known or how Defendants'
16 knowledge is relevant to whether the Court has personal jurisdiction over Defendants.
17 Accordingly, the Court DENIES Plaintiff's motion for an extension of time to respond to the
18 motion to dismiss (Dkt. No. 24).

19 In Plaintiff's reply brief, he moves to strike the motion to dismiss (Dkt. No. 11), or
20 alternatively, to strike portions of the motion to dismiss. (Dkt. No. 30 at 1–2.) First, Plaintiff's
21 request does not comply with Local Civil Rule 7(g), which requires that a request to strike
22 material in a motion be included in the responsive brief. Second, Plaintiff's arguments in support
23 of his request to strike are ultimately arguments in opposition to the motion to dismiss and do not
24 form a basis to strike the motion or portions thereof. Accordingly, the Court DENIES Plaintiff's
25 request to strike.

26 //

1 DATED this 12th day of March 2021.

2 William M. McCool
3 Clerk of Court

4 s/Paula McNabb
5 Deputy Clerk